



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 2402859
Applicant Name: Terry Wilson for Brian Hopps
Address of Proposal: 5267 21st Av. S.W.

SUMMARY OF PROPOSED ACTIONS

Master Use Permit to subdivide one parcel into two parcels of land in an environmentally critical area (Steep Slope). Proposed parcel sizes are: A) 9,506 sq. ft. and B) 12,175 sq. ft. Existing single family residence on Parcel "B" is to remain.

The following approvals are required:

Short Subdivision - To create two parcels of land.
(Seattle Municipal Code Chapter 23.24)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

This approximately 21,681 square foot proposal site is located in a single-family residential zone with a required minimum lot size of 5,000 sq. ft. (SF5000). The site is on the west side of the

block of 21st Avenue S.W., approximately eight parcels north of S.W. Brandon St. The site is developed with an existing single family residence. Vegetation on-site includes grass, weeds, scattered shrubs and trees. The proposal site is considered environmentally sensitive because of Steep Slope. 21st Avenue is a two-lane paved street with no curbs, gutters or sidewalks on either side of the street.

The proposal site has approximately 124.29 feet of street frontage on 21st Avenue S.W. and is approximately 176 feet deep. The subject site is bounded by 21st Avenue S.W. to the east and residential development to the south, east and west. The site is situated on the upper portion of a moderate to very steep, westerly declining slope. A geotechnical report by Liu & Associates, Inc. and dated March 16th, 2004 was submitted to DPD. Based on submitted document the site has a slope of approximately 40 to 63 percent and then continues to slope down westerly at about 37 percent. A concrete retaining wall starts from the north side of the existing house to the north- eastern corner of the property. The height of the retaining wall is 4 feet and decreases northeasterly to about one foot. This proposal shall meet all development standards for ECA Steep Slope. This proposal requires SEPA.

Area Development

Zoning and development in the vicinity of the proposal site is predominately Single-family Residential with varied minimum lot sizes. The project site and surrounding area is zoned Single-family 5,500 (SF5000). Single-family zoning, with a minimum lot size of 7,200 (SF7200) is located to the northeast of the project site. Lowrise Two Residential Commercial (L-2/RC) is located to the west and northwest of the site along Delridge Way S.W. There are areas to the southwest of small business development along Delridge Way S.W. where the zoning is Neighborhood Commercial (NC2-40').

Proposal Description

The applicant proposes to subdivide one parcel into two parcels of land in an environmentally critical area. Both parcels are proposed to be less than the minimum lot area requirement of 5000 square feet. Parcel A is proposed to have a site area of 9,506 square feet and Parcel B is proposed to have a site area of 12,175 square feet. The existing single-family residence on proposed Parcel "B" is to remain. Vehicle access will be from 21st Avenue S.W. A fifteen foot Steep Slope Buffer is proposed from the top of the slope.

Public Comments

Notice of the proposed project was published on June 10th, 2004. The public comment period ended on June 23rd, 2004. No comment letters were received.

ANALYSIS - UNIT LOT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The parcels created by this proposed division of land would conform to all development standards of the SF 5000 zone. Parcel A would have a lot area of approximately 9,506 sq. ft. and Parcel B would have a lot area of approximately 12,175 sq. ft. Each lot will have adequate buildable lot area to meet applicable parking, yards and lot coverage requirements.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Each of the proposed parcels will have adequate access for vehicles, utilities and fire protection from the street. Seattle City Light has reviewed and approved this application and does not require property rights for this short plat. The Seattle Fire Department reviewed and approved this proposal.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

Sanitary Sewer: The existing structure located upon proposed Parcel "B" is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located in 21st Avenue S.W.

Drainage: There is not adequate drainage infrastructure located in the vicinity of the proposed short plat.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 04-0831 on June 4th, 2004. All conditions on the certificate must be met prior to receiving water service.

4. Whether the public use and interests are served by permitting the proposed division of land;

The proposed short plat meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;

The site is situated on the upper portion of a moderate to very steep, westerly declining slope. A Geotechnical Report by Liu & Associates, Inc. and dated March 16th, 2004 was submitted to DPD with this project. Based on submitted document the site has a slope of approximately 40 to 63 percent and then continues to slope down westerly at about 37 percent to the west boundary of the site. A concrete retaining wall starts from the north side of the existing house to the north-eastern corner of the property. The height of the retaining wall is 4 feet and decreases northeasterly to about one foot. A fifteen foot Steep Slope Buffer is proposed from the top of the slope. This proposal shall meet all development standards for ECA Steep Slope. This proposal requires SEPA.

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information required to show conformance with applicable ordinances and codes (ECA ordinance, the SGDCC, DR 3-93, and 3-94) will be required of the applicant prior to issuance of building permits. Construction in compliance with these conclusions and recommendations, as well as applicable provisions of the ECA Ordinance and DR 3-93, will adequately mitigate expected earth impacts; therefore, no further mitigation in this regard pursuant to SEPA is warranted.

6. *Is designed to maximize the retention of existing trees;*

There are 15 trees on the proposed site. Two 22" Pine trees, one 18" Fir tree, two Cottonwood trees (18" and 20"), ten Maple trees that vary in size from 12" to 28". Two trees, one 18" Fir, and one 22" Pine, are expected to be removed as a result of this short subdivision. All Maple and two Cottonwood trees are to be retained. This proposal allows for minimal removal of trees. There does not appear to be any alternate plat design which would better minimize retention of trees. Therefore, this proposal is designed to maximize the retention of existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Section 23.24.045 is not applicable because the proposed short subdivision is not for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

SEPA DETERMINATION:

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 28th, 2004. The information in the checklist, the supplemental information submitted by the applicant, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including an additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The Department of Planning and Development has analyzed the environmental checklist submitted by the applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D1-7) mitigation can be considered.

Summary

The site is situated on the upper portion of a moderate to very steep, westerly declining slope. A Geotechnical Report by Liu & Associates, Inc. and dated March 16th, 2004 was submitted to DPD with this project. Based on submitted document the site has a slope of approximately 40 to 63 percent and then continues to slope down westerly at about 37 percent to the west boundary of the site. A concrete retaining wall starts from the north side of the existing house to the north-eastern corner of the property. The height of the retaining wall is 4 feet and decreases northeasterly to about one foot. A fifteen foot Steep Slope Buffer is proposed from the top of the

slope. This proposal shall meet all development standards for ECA Steep Slope. Existing City regulations appropriately address environmental impacts of this proposal. No SEPA conditioning is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

None.

CONDITIONS - UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Add the "Conditions of Approval upon Application for Construction Permits," noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page. If the conditions are on a separate page, insert on the face of the plat "For Conditions of Approval upon Application for Construction Permit, see page ____ of ____."
3. Submit the final recording forms and fee for approval.

4. Permanent visible markers along the top of the steep slope area to delineate the edge of the steep slope critical area buffer must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the top of the steep slope buffer line where it changes direction from a straight line. Markers must be in place before issuance of this short subdivision permit.
5. Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer area. The covenant shall be written in a format approved by DPD.

After Recording After Recording and Prior to Issuance of a Building Permit

7. Attach copy of the recorded short plat with the plan upon application for a construction permit.
8. Provide a Comprehensive Drainage Control Plan, prepared per SMC 22.802.020{B} 2 & 4, for review and approval with the building permit.

Signature: _____ (signature on file) Date: January 3, 2005
Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services

JSC:bg

Carson/ShortPlatECA/2402859.dec